

Date: April 26, 2006

Item No.

2.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: New Business

Report Prepared by: Dennis Carrington

Public Hearing: Yes: X No:

Notices Mailed On: 4/14/06

Published On: 4/13/06

Posted On: 4/14/06

TITLE: **USE PERMIT UP2006-4 AND "S" ZONE-APPROVAL
SZ2006-3**

Proposal: Installation of a 15 foot high and 82 square foot, double-sided freestanding monument sign.

Location: 301 S. Abbott Avenue

APN: 086-06-013

RECOMMENDATION: **Approve with conditions.**

Applicant: Mid-Way Signs C/O Gary Anderson, 3290 Bassett Street, Santa Clara, CA 95054

Property Owner: Ike Gulesserian, 1933 Davis Street, San Leandro, CA, CA 94577

Previous Action(s): "S" Zone Approval and Amendments

General Plan Designation: General Commercial

Environmental: Categorically exempt pursuant to Class 11, Section 15311 ("Accessory structures – on premise sign") of the California Environmental Quality Act Guidelines

Present Zoning: General Commercial ("C2")

Existing Land Use: Vacant restaurant site (former Sarovar Restaurant) and Alliance Medical

Agenda Sent To: Applicant and Owner

Attachments: Plans

PJ: 2449

BACKGROUND

The building located at 301 S. Abbott Avenue received "S" Zone approval in 1989. The Planning Commission approved Use Permit 1287 for a 212-seat restaurant at 301 S. Abbott Avenue on September 13, 1995. The Planning Commission approved a 56" high freestanding sign on April 10, 1996. The building was expanded from 12,000 square feet to 13,500 square feet in 2000.

Site Description

The subject site is located on a 1.18-acre parcel and was developed as a 13,500 square foot retail, building with parking and landscaping. The subject site is located at 301 S. Abbot Avenue between Abbott Avenue and Calaveras Boulevard, just west of the Denny's Restaurant. Surrounding land uses include a hotel use and retail uses to the north, restaurants to the west and east and industrial park to the south. Highway 880 borders the site to the west.



THE APPLICATION

The applicant has submitted a Use Permit and "S" Zone Amendment application pursuant to Sign Ordinance section XI-30-3.10 (h), Freestanding Signs, and Milpitas Zoning Ordinance sections XI-10-57 (Conditional Use Permits) and XI-10-42 (Site and Architectural Review).

PROJECT DESCRIPTION

The applicant is requesting approval for a 15 foot high and 82 square foot, double-sided freestanding monument sign. The applicant is proposing a new freestanding monument sign with approximately 41 square feet per side that measures 7' 6" wide, 5' 5" tall and 18 inches thick. The sign will give the address, 301 ABBOTT AVENUE (as conditioned) along the top of the sign. The proposed sign will be double sided and constructed with fabricated aluminum coated with colored Tex Coat. The sign will provide three spaces for tenant signs on each side. The proposed sign will incorporate colors of brown and dark orange and include brick veneer wainscoting. The new sign would be situated in the landscaped area along Calaveras Boulevard and would replace an existing 44 square foot monument sign.

ISSUES

Conformance with General Plan and Zoning Ordinance

The proposed sign does not conflict with any General Plan policies, and is consistent with:

- Implementing Policy 2.a-I-3, which encourages economic pursuits that will strengthen and promote development through stability and balance.
- Implementing Policy 3.b-G-1 in that the sign serves to direct vehicles in the facility, which assists in providing a safe and convenient vehicular movement in the Heavy Industrial area.

The purpose of the C2 Zoning District is to provide for the wide range of retail sales and personal and business services primarily oriented to the automobile customer to provide for general commercial needs of the City and to promote stable, attractive commercial development which will afford a pleasant shopping environment.

Conformance with "S" Zone

As conditioned, the project would in conformance with the Section 42 (Site and Architectural Review). The purpose of the Site and Architectural Review is to ensure, "...orderly, attractive and harmonious development..." that is compatible with site and surrounding area. As proposed, the monument sign would be compatible with the site and surrounding properties. The new monument sign provides visibility for the commercial building, enhances the area by introducing a new architectural element, and promotes an orderly and attractive development.

Conformance with the Sign Ordinance

The proposed monument sign complies with the City's sign ordinance. Findings are provided in the sections below

XI-30-3.02 – Total allowable sign area

Per the Sign Ordinance, "the total area of all signs shall not exceed (1) square feet of sign for each lineal feet of building perimeter or (2) square feet of sign for each lineal feet of street frontage." Sign area based on building perimeter are provided in the calculation below:

570 feet of building perimeter divided by 2 (sq. ft. of sign area) = 285 (total allowable sign area). The total approved signage is as follows:

	EXISTING SIGNS	PROPOSED SIGNS
Monument sign	44 square feet	82 square feet
Sarovar Restaurant	144 square feet	144 square feet
Alliance Medical	89 square feet	89 square feet
TOTAL	277 square feet	315 square feet

The proposed signage would total 315 square feet, which is 30 square feet larger than the total signage allowed on the parcel by the Zoning Ordinance. ***Staff recommends that a condition of approval require that the maximum size of the signage for the building at 301 South Abbott Avenue shall be 203 square feet for a total of 285 square feet of signage for the parcel.*** If the

Alliance Medical wall signs comprise a total of 89 square feet, the balance of the signage on the building for the vacant restaurant space would therefore be 114 square feet.

XI-30-3.02 – Appropriateness of the sign design

Per the Sign Ordinance, the following factors shall be considered in the review of the design of each proposed sign:

1. The relationship of the sign to the space on the building where the sign is to be located.
2. Relationship of the location of the sign to all facades of all buildings on the site.
3. Compatibility of materials, architecture, design, and continuity with other signs on the building.
4. Illumination of the sign as it relates to other signs on the subject building, other light sources, competition and interference of light sources and intrusion of light into residential areas.
5. Visibility and legibility (letter height and legibility, contrast-background relationship, placement and location).
6. Impact on other immediate signs in terms of visibility, legibility, and scale.
7. Traffic conditions, including but not limited to, traffic safety and circulation, visibility, road width, curb cuts, or driveway indentations, median, proximity of major intersections, signals or stops, average traveling speed or any other natural physical obstruction.
8. The proximity of the sign to residential districts.
9. Relationship of the height of the sign to the height of the building at that location.
10. Quantity of other signs in the vicinity of the subject sign on or off of the subject parcel.
11. Impact on visibility of other signs in the vicinity of the subject sign.
12. Other such factors that the Planning Commission, Planning Commission Subcommittee and Planning staff shall determine as relating to the impact of the sign to the general environment.

Each proposed sign shall be reviewed for conformity to the following criteria:

1. The sign shall relate to the architectural design of the building. An attractive scale between the sign, the building and the immediate surrounding buildings and signs shall be maintained.
2. To the extent feasible, a sign shall be graphic with design emphasis on simplicity, style, trademark, business identification and symbol. Wording shall be an integral part of the overall design.
3. All light sources shall be adequately diffused or shielded.
4. The sign's supporting structure shall be as small in density and as simple as is structurally safe.
5. Multiple signing on a single-faced building shall be reviewed for coordination of all signs architecturally and aesthetically.

6. Sign faces should be constructed of non-brittle, non-yellowing Polycarbonate material or superior.
7. Neon, bare fluorescent tubes, incandescent bulbs, light emitting diodes (LEDs) and similar devices are not permitted except pursuant to “S” Zone approval.
8. Signage shall not obstruct pedestrian circulation.
9. Signs should be an integral part of the design of the storefronts of mixed-use buildings.
10. Sign letters and materials should be professionally designed and fabricated.
11. Signs should be constructed using high-quality materials such as metal, plastic, stone and wood.
12. Exposed conduit and tubing should be mitigated so that they are inconspicuous.
13. Exposed transformers are prohibited.
14. Projecting signs mounted perpendicular to the façade of the building should be located at least eight (8) feet above the sidewalk. The outside edge should be no more than five (5) feet from the face of the building.
15. While bilingual signs are allowed, the size of English lettering should be at least equal to the size of letters of another language.
16. The business name and address shall be displayed on the tenant space if located in a multi-tenant building or on the building or property for a single occupant building.

Design. The proposed freestanding sign’s architecture, materials, design and location are compatible with the other signs on the building and in the area. The proposed sign is to be located in a landscaped area, which is consistent with how other approved freestanding signs are installed in the general vicinity as well as throughout the city. The signage proposed is consistent with the above design guidelines. However, ***Staff recommends that a condition of approval require that the freestanding sign’s faces be constructed of non-brittle, non-yellowing Polycarbonate material or superior.***

Height. The height is appropriate due to the height and mass of the adjacent buildings. The proposed 15 foot tall sign is lower than the existing 25 foot tall Marie Callender’s sign.

Abbott Avenue. The proposed sign incorrectly states the address as 301 Abbott Street. ***Staff recommends that a condition of approval require that the address shown on the sign be 301 Abbott Avenue.***

XI-30-3.03 – Freestanding Signs

Per the Sign Ordinance, “...(1) freestanding sign may be permitted for each individual parcel’s street frontage. If the frontage exceeds (300) feet, one additional freestanding sign may be allowed.” Height of freestanding sign height in non-residential zones is (1) feet to a maximum of (25) feet for each (8) feet of public street frontage. The Applicant is proposing one 15-foot tall freestanding sign. The parcel at 301 South Abbott Avenue has a frontage of approximately 158 feet, therefore only one freestanding sign may be permitted on the parcel and the sign can have a maximum height of 20-feet. ***Staff recommends that a condition of approval require that the existing freestanding sign located on this parcel be demolished prior to the issuance a building permit for the new freestanding sign.***

COMMUNITY IMPACTS

The proposed monument sign does not create any negative community impacts and will meet the required ordinances set forth in the Milpitas Municipal code as determined in this staff report. The monument sign is compatible and conforms to the C2 General Commercial Zoning District. The proposed sign is located in a retail commercial area and does not abut any residential uses nor will the proposed sign negatively impact public health, safety and general welfare.

CONFORMANCE WITH CEQA

The proposed project is categorically exempt from further environmental review pursuant to Class 11, Section 15311 ("Accessory structures – On-premise Signs") of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

Close the Public Hearing and approve Use Permit UP2006-4 and "S" Zone No. SZ2006-3 based on the findings listed below.

FINDINGS

The project complies with the General Plan and the following policies:

- Implementing policies 2.a-I-3, which encourages economic pursuits that will strengthen and promote development through stability and balance.
- Implementing Policy 3.b-G-1 in that the sign serves to direct vehicles in the facility, which assists in providing a safe and convenient vehicular movement in the General Commercial area.

The project complies with the C2 Zoning District.

The project complies with the "S" Zone Combing District. As conditioned, the project is compatible, orderly, and aesthetically harmonious with adjacent and surrounding development.

The Project complies with the Sign Ordinance requirements in terms of the number of freestanding signs, sign area, height, and design. As conditioned the project would meet the sign ordinance provisions for number of freestanding signs, compatibility of design and materials.

The Project will not create any negative community impacts or be detrimental to public health, safety and general welfare.

The Project is categorically exempt from further environmental review pursuant to Class 11, Section 15311 ("Accessory structures – On-premise Signs") of the State CEQA Guidelines.

SPECIAL CONDITIONS

1. This Planning Commission approval is for a 15 foot high and 82 square foot, double-sided freestanding monument sign located at 301 South Abbott Avenue as shown on approved plans dated March 1, 2006. Any modifications to the project will require an "S" Zone Approval Amendment and/or Use Permit Amendment by the Planning Commission. Minor modifications can be submitted to the Planning Division for processing pursuant to Section 42 of the Milpitas Zoning Ordinance. (P)
2. The maximum size of the signage for the building at 301 South Abbott Avenue shall be 203 square feet for a total of 285 square feet of signage for the parcel.

3. The freestanding sign's faces shall be constructed of non-brittle, non-yellowing Polycarbonate material or superior.
4. The address shown on the sign shall be 301 Abbott Avenue.
5. The existing freestanding sign located on this parcel shall be demolished prior to the issuance a building permit for the new freestanding sign.
6. Prior to the approval of any building/tenant signage, the property owner shall submit plans and receive Planning Commission approval for a sign program, as required in Section 30-4.04 of the Sign Ordinance. (P)
7. This use shall be conducted in accordance with all federal, state and local laws and regulations. (P)
8. If, at time of building permit review, there is an outstanding project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
9. Applicable codes shall be 2001 California Building Code, CPC, CMC, 2004CEC, 2005 Energy Efficiency Standards, and 2002 Milpitas Municipal Code. (B)
10. Aluminum pipes embedded in concrete shall be effectively coated to prevent aluminum-concrete reaction per 2001 CBC section 1906. (B)
11. Provide (monument sign) complete structural design calculations, construction plan and details when applying for a building permit. Plans and calculations shall be wet signed and stamped by Architect/Engineer licensed in the State of California. (B)
12. Electrical assemblies shall be approved and listed by approved agency and installed as per their listing and manufacture's recommendations. (B)
13. Structural members exposed to weather shall be approved wood of natural resistance to decay or treated wood per 2001 CBC section 2306.12. (B)
14. Timber columns supporting permanent structures that are embedded in concrete shall be treated wood per 2001 CBC section 2306.2. (B)
15. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements or public right of way. (E)
16. Access rights and improvements along Calaveras Boulevard (HWY 237) are under the jurisdiction of CALTRANS. Prior to building permit issuance the developer shall submit improvement plans for all the works along Calaveras Boulevard, including the proposed sign and have the improvements reviewed and approved by the CALTRANS. (E)
17. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to CALTRANS. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
18. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit. (E)

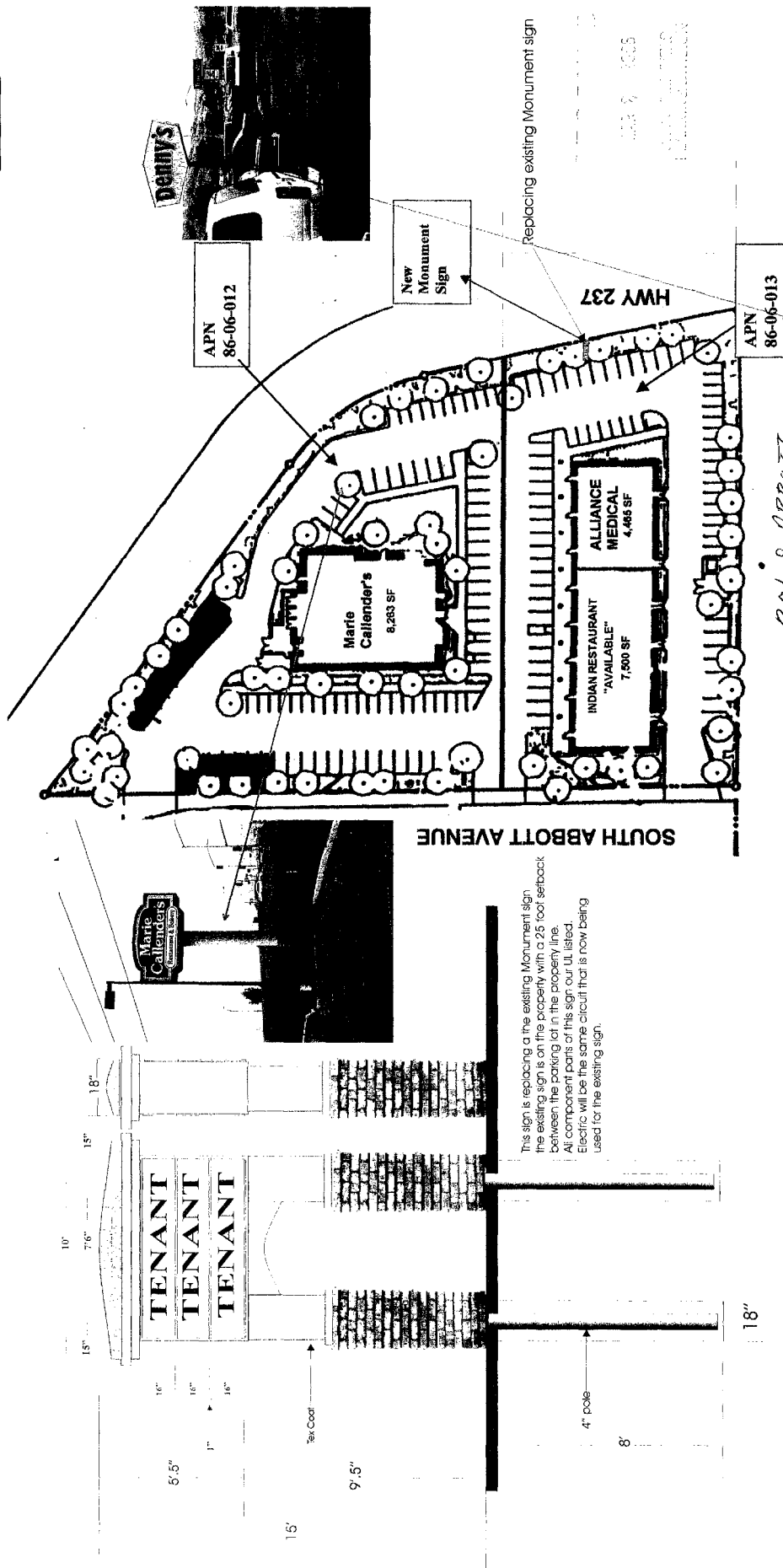
19. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)
20. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
21. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. (E)
22. New sign structure(s) shall not encroach or impede fire apparatus access. Projections into the driveway (or any other roadway) are not permitted. Fire apparatus access roads shall remain clear and unobstructed. Section 902.2.4.1, CFC. Indicate on plans sign dimensions and distance from curbs and sidewalk. (F)
23. New sign structure(s) shall not obstruct or impede access to fire suppression appliances (hydrants, fire department service lines, FDC/PIV or other fire service utilities). Minimum of 3 feet is required from hydrant and 6' is required from FDC/PIV outermost extremities. Section 1001.7.1, CFC. When structures are to be constructed in close proximity to fire appliances, plans shall be submitted to the Milpitas Fire Department for review prior and approval prior to any work being done. (F)
24. Permanent structures shall not be erected over underground fire lines. Any modifications required to underground fire utility lines shall be submitted to the Milpitas Fire Department for review and approval prior to any work being done. CFC Section 1001.4. (F)
25. The Milpitas Fire Department shall approve new installation and/or modifications to existing fire protection, alarm or monitoring system(s). A separate submittal is required to the Milpitas Fire Department, for review and approval, prior to the commencement of any work. CFC Section 1001.3. (F)

(P) = Planning

(B) = Building

(E) = Engineering

(F) = Fire



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MID-WAY SIGNS 3290 BASSETT STREET SANTA CLARA CALIF. (408)982-9696 FAX: (408)982-9370

OWNER APPROVAL _____ JOB NAME ABBOTT STREET DATE: 1/18/06

BY: _____ LOCATION 301 ABBOTT ST SCALE: NONE

PHONE: _____ CITY/ MILPITAS DRAWN BY: G

DATE: _____

